

1 Steven P. Warner (SBN 159404)
Email: swarner@reedsmith.com
2 REED SMITH LLP
3 355 South Grand Avenue, Suite 2900
Los Angeles, CA 90071-1514
Telephone: +1 213 457 8000
4 Facsimile: +1 213 457 8080

5 Attorneys for Defendant
SYNCHRONY BANK
6
7

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10

11 ROBERT SANDOLO,

12 Plaintiff,

13 vs.

14 SYNCHRONY BANK,
and DOES 1-10 inclusive,

15 Defendants.
16
17
18
19

Case No.: 4:21-CV-0233

[Removal From Superior Court Of
California, County of Alameda Case No.
RG20081786]

**DEFENDANT SYNCHRONY
BANK'S NOTICE OF REMOVAL
OF CIVIL ACTION UNDER 28
U.S.C. § 1331, 28 U.S.C. 1441(A)**

[Federal Question]

*[Filed concurrently with Civil Cover
Sheet; and Synchrony Bank's
Certification of Interested Parties]*

20
21 **TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE**
22 **NORTHERN DISTRICT OF CALIFORNIA:**

23 **PLEASE TAKE NOTICE** that Defendant Synchrony Bank ("Defendant" or
24 "Synchrony") hereby removes to this Court the state court action described below.
25 This case is a civil action of which this Court has original jurisdiction under 28 U.S.C.
26 §1331, and is one that may be removed to this Court by Synchrony pursuant to 28
27 U.S.C. §1441(a), because Plaintiff accuses Synchrony of violating, *inter alia*, the Fair
28 Credit Reporting Act, 15 U.S.C. §1681, *et seq.* ("FCRA").

1 In compliance with 28 U.S.C. § 1446(a), Defendant asserts the following
2 grounds for removal:

3 1. On or about November 17, 2020, Plaintiff Robert Sandolo (“Plaintiff”)
4 filed a Complaint in the Superior Court of the State of California, County of Alameda
5 (“State Court”) entitled *Robert Sandolo v. Synchrony Bank, and Does 1-10 inclusive*,
6 at Case No. RG20081786 (hereinafter the “State Court Action”).

7 2. Pursuant to 28 U.S.C. §1446(a), a true and correct copy of the Complaint
8 and summons, the only process, pleading, or order served upon Synchrony in the State
9 Court Action, is attached hereto as **Exhibit A**.

10 3. To the best of Synchrony’s knowledge, no further proceedings in the State
11 Court Action have occurred.

12 4. Synchrony was served with a copy of the Complaint on December 14,
13 2020.

14 5. Accordingly, this Notice of Removal is timely filed, having been filed
15 within thirty (30) days of the date on which Synchrony received service of Plaintiff’s
16 Complaint. *See* 28 U.S.C. §1446(b).

17 6. The State Court is located within the Northern District of California.
18 Therefore, venue is proper because the action is being removed to the “district court of
19 the United States for the district and division embracing the place where such action is
20 pending.” *See* 28 U.S.C. §1441(a).

21 7. No previous application has been made for the relief requested herein.

22 8. This action is a civil action of which this Court has original jurisdiction
23 under 28 U.S.C. §1331, and is one that may be removed to this Court by Synchrony
24 pursuant to 28 U.S.C. §1441, because Plaintiff accuses Synchrony of violating, *inter*
25 *alia*, the Fair Credit Reporting Act, 15 U.S.C. §1681, *et seq.*

26 9. This Court has federal question jurisdiction over Plaintiff’s claims
27 pursuant to 28 U.S.C. §1331 and §1441(b) in that the claims are “founded on a claim
28 or right arising under ... the laws of the United States[.]”

1 10. Synchrony is the sole named defendant. Accordingly, there is no issue
2 concerning any co-defendant's consent to the instant removal to this Court.

3 11. Pursuant to 28 U.S.C. §1446(d), written notice of this Notice of Removal
4 of this action is being immediately filed with the State Court.

5 12. Pursuant to 28 U.S.C. §1446(d), a copy of this Notice of Removal of this
6 action is being caused to be served upon Plaintiff.

7 13. Given that the requirements for federal question jurisdiction are satisfied,
8 this case is properly removed.

9 **WHEREFORE**, Defendant Synchrony Bank gives notice that this action is
10 removed from the Superior Court of the State of California for the County of Alameda
11 to the United States District Court for the Northern District of California.

12 DATED: January 11, 2021

REED SMITH LLP

13
14
15 By: /s/ Steven P. Warner
16 Steven P. Warner
17 Attorneys for Defendant
18 SYNCHRONY BANK
19
20
21
22
23
24
25
26
27
28